IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 2055 of 2006(O&M)
Date of Decision: 9.1.2007

Smt.Phool Pati and others

Appellants

versus

Suresh Kumar and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE BALDEV SINGH

Present: Shri Ashit Malik, Advocate for the appellants

Jasbir Singh, J. (Oral)

In view of reasons stated in application for condonation of delay in re-filing the appeal, it is allowed and delay in re-filing stands condoned.

This appeal has been filed against award given by the Motor Accident Claims Tribunal, Panipat (in short, the Tribunal) on 20.9.2005. Record reveals that the claimants- appellants filed an application under Section 166 of the Motor Vehicles Act, 1988 (in short, the Act), to claim compensation regarding death of Shri Balwan Singh, who allegedly died in a motor accident on 3.1.2004, during night at about 7.00 p.m. The Tribunal, on appreciation of evidence, disbelieved version of the claimants-appellants with regard to that accident. Evidence in detail has been discussed in paragraph Nos.8 to 12 of the award. It has come on record that the accident had taken place opposite to the Panipat Bus Stand, a crowded place. Police post is situated at a distance of 100 yards from that place. FIR was recorded at the instance of a police constable, who also appeared in the witness box had categorically stated that, despite asking, nobody had informed him regarding details of the accident. To prove the accident, Balbir Singh

(PW4) has stepped into the witness box. Perusal of paper book indicates that his testimony has rightly been discarded by the Tribunal. His conduct was totally irrational and against the natural human behaviour. He appeared to be an interested person. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

January 09, 2007
gk

(Baldev Singh)
Judge